

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of West Sacramento for an Order authorizing construction of a crossing at grade between Lake Washington Boulevard and the tracks of the Yolo Shortline Railroad Company.

Application 02-05-054
(Filed May 23, 2002)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

This matter was filed on May 23, 2002, and appeared on the Commission Calendar on June 5, 2002. It was originally designated as ratesetting and not requiring a hearing, pursuant to ALJ 176-3089. On June 27, 2002, the Commission Staff filed a protest.

A prehearing conference was held on Wednesday, September 18, 2002, in the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California before Administrative Law Judge (ALJ) Sheldon Rosenthal. Participating were representatives of the City of West Sacramento and the Commission staff. There was no appearance for the railroad in question.

The issues in this proceeding were identified as:

1. The need for the proposed crossing.
2. A showing of practicability for the crossing.
3. The crossing protection needed.
4. The division of the cost of installation and protection of the crossing, and for the maintenance.

5. Whether any existing crossings should be closed.

Other matters may be raised at the discretion of the ALJ.

The parties agreed to a free exchange of information. Should there be a problem in this regard it should be brought to the attention of the ALJ or the Law and Motion Judge for resolution.

Following a discussion, the parties agreed to evidentiary hearings on January 13-14, 2003 in the West Sacramento area. On November 5, 2002, applicant indicated that this date was no longer feasible. The ALJ wrote on November suggesting another date. Since no response has been received the following schedule is established:

Evidentiary Hearings	February 18 - 19, 2003
Concurrent Briefs	March 21, 2003
ALJ Proposed Decision	June 16, 2003
Comments	July 15, 2003
Commission Decision	August 14, 2003

Notice of the hearing will be sent to the parties. If briefs are not necessary these dates will be advanced.

IT IS RULED that:

1. The Administrative Law Judge is the Principal Hearing Officer.
2. The preliminary designation of this proceeding as ratesetting is affirmed.
3. An evidentiary hearing is required.
4. The issues to be determined are as stated in this Memo.

5. The schedule to be followed is as stated in this Memo.

Dated February 3, 2003, at San Francisco, California.

/s/ MICHAEL R. PEEVEY

Michael R. Peevey
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated February 3, 2003, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.